

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUN CHENYAN

Plaintiff,

V.

DAISY XIE DBA GARMENT OUTLETS
AND TRENDYSHOW; JING ZHANG;
MING JIE GUO; XIAO JIE ZHONG;
VIVI FANG DBA FASHIONFORGIRLS,
QIAN NI TRADE AND BEAUTYFACTORY.

Defendants.

Case No. 19-cv-6381

Judge Charles P. Kocoras

Mag. Judge Sheila M. Finnegan

**PLAINTIFF’S MOTION TO STRIKE MATTERS FROM ANSWER, TO
STRIKE AFFIRMATIVE DEFENSES AND MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

Now Comes, Sun Chenyan, Plaintiff in the above styled civil action, (hereinafter, “Plaintiff” or “Sun Chenyan”) by and through her attorneys, Ford Banister IP, and moves to strike from the Amended Answer to Plaintiff’s Third Amended Complaint (hereinafter, “the Answer”) filed by Defendants Daisy Xie D/B/A Garment Outlets and Trendyshow, and Vivi Fang D/B/A Fashionforgirls, Qian Ni Trade, and Beautyfactory (hereinafter, “Defendants”) on June 1, 2023 certain matters that are superfluous and may lead to confusion and to strike and for judgment on the pleadings on Defendants’ affirmative defenses. In support of her request, Plaintiff submits her contemporaneously filed memorandum of law.

(Prayer for Relief on the Following Page)

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that the Court grant the following relief:

- 1) That the Court strike from the Answer Defendants' request for the Court to find this case exceptional pursuant to 15 U.S.C. §1117 and that Defendants are the prevailing parties and entitled to their reasonable attorney's fees;
- 2) That the Court strike from the Answer pursuant to Fed.R.Civ.P. 12(f) and/or enter judgment on the pleadings pursuant to Fed.R.Civ.P. 12(c) in Plaintiff's favor on Defendants' affirmative defenses titled "Absence of Copyright Symbol," "Absence of Notice of Trademark Registration," "Non-Infringement," "Innocent Infringement," "No Immediate or Irreparable Harm for Injunctive Relief" and "No Statutory Damages or Attorney's Fees";
- 3) That the Court strike from the Answer pursuant to Fed.R.Civ.P. 12(f) Defendants' attempted reservation of rights;
- 4) That the Court strike from the Answer pursuant to Fed.R.Civ.P. 12(f) and/or enter judgment on the pleadings pursuant to Fed.R.Civ.P. 12(c) in Plaintiff's favor on Defendants' affirmative defenses titled "No Personal Jurisdiction" and "Improper Service" to include a finding that, through their conduct, Defendants have waived any objection to this Court's exercise of personal jurisdiction over them.
- 5) That Plaintiff be awarded her reasonable costs and attorney fees;
- 6) Any further and additional relief that the Court deems necessary and appropriate.

(Date and Signature on the Following Page)

Respectfully submitted this 4th day of August, 2023,

/s/ L. Ford Banister, II
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